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E-Filed: August 25, 2015

8 Attorneys for Bank of America, N.A.

9  
10 **UNITED STATES BANKRUPTCY COURT**  
11 **DISTRICT OF NEVADA**

12 In re:

Bankruptcy Case No. 15-13626-mkn

13 SUSAN C. KELLER,

Chapter 13

14 Debtor.

**OBJECTION TO CONFIRMATION OF  
CHAPTER 13 PLAN**

CONFIRMATION HEARING:

**Date:** September 17, 2015

**Time:** 1:30 PM

**CTRM:** 2

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17  
18 **TO THE HONORABLE MIKE K. NAKAGAWA, U.S. BANKRUPTCY COURT JUDGE,**  
19 **THE CHAPTER 13 TRUSTEE, THE DEBTOR, AND THE DEBTOR'S COUNSEL:**

20 Bank of America, N.A., the holder of a secured claim and party-in-interest, ("BOA"),  
21 hereby objects to confirmation of the Debtor's Chapter 13 Plan ("Plan").

22 BOA is the holder of a claim secured only by a security interest in the real property  
23 commonly known as 1947 Buckeye Hill Court, Henderson, NV 89012, which is the Debtor's  
24 principal residence ("Property"). The total amount due and owing under the promissory note is  
25 \$196,455.82 and the pre-petition arrearage is \$2,350.07. A true and correct copy of BOA's Proof of  
26 Claim is attached as Exhibit "1." §1322(b)(2) provides, in relevant part, as follows:

27 (b) Subject to subsections (a) and (c) of this section, the plan may--

28 . . .

(2) modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the Debtor's principal residence

...

(5) notwithstanding paragraph (2) of this subsection, provide for the curing of any default within a reasonable time and maintenance of payments while the case is pending on any unsecured claim or secured claim on which the last payment is due after the date on which the final payment under the plan is due; . . .

BOA objects to confirmation of the Plan on the following grounds:

- (1) The Debtor's Plan does not propose to cure the pre-petition arrears owed to BOA. Therefore, the Plan does not comply with § 1322(b)(5).

Based upon the foregoing, BOA respectfully requests that the Court deny confirmation of the Plan, or, in the alternative, order that the Plan be amended to provide for full payment of BOA's pre-petition arrearage.

DATED: August 25, 2015

Respectfully Submitted,  
MALCOLM ♦ CISNEROS, A Law Corporation

/s/ Nathan F. Smith  
NATHAN F. SMITH, , #12642  
Attorney for Bank of America, N.A.  
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**PROOF OF SERVICE**

STATE OF CALIFORNIA

ss.

COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action; my business address is: 2112 Business Center Drive, Second Floor, Irvine, CA 92612.

On August 25, 2015, I served the following document described as **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Irvine, California (**and via telecopy or overnight mail where indicated**), addressed as follows:

DEBTOR

SUSAN C. KELLER  
1947 Buckeye Hill Court  
Henderson, NV 89012

DEBTOR'S ATTORNEY

H Stan Johnson  
255 E. Warm Springs Road, Suite 100  
Las Vegas, NV 89119

CHAPTER 13 TRUSTEE

KATHLEEN A. LEAVITT  
201 LAS VEGAS BLVD., SO. #200  
LAS VEGAS, NV 89101

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on August 25, 2015 at Irvine, California.

/s/Michael Levine